

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ANTHONY MCGOWAN; A.M., a Minor,  
by and through his guardian ANTHONY  
MCGOWAN; And CARLOS PENA,  
individually and on behalf of all others  
similarly situated,

*Plaintiffs,*

v.

VERIFF, INC., a Delaware corporation,

*Defendant.*

No. 21-cv-06706

Hon. Jorge L. Alonso

Magistrate Hon. Sunil H. Harjani

**STIPULATION TO REMAND ACTION TO THE  
CIRCUIT COURT OF DUPAGE COUNTY, ILLINOIS**

Plaintiffs Anthony McGowan; A.M., a Minor, by and through his guardian Anthony McGowan; and Carlos Pena (collectively “Plaintiffs”) and Defendant Veriff, Inc. (“Defendant”) (collectively, the “Parties”), by and through their undersigned counsel, hereby stipulate and agree to remand this action to the Circuit Court of DuPage County, Illinois. In support of the instant stipulation, the Parties state as follows:

WHEREAS, this action was originally filed in the Circuit Court of DuPage County, Illinois, on November 12, 2021, alleging that Defendant and Roblox Corporation violated the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.* (“BIPA”);

WHEREAS, on December 16, 2021, Defendant removed this action to the United States District Court for the Northern District of Illinois (Dkt. 1);

WHEREAS, on January 31, 2022, all claims pending against defendant Roblox Corporation were voluntarily dismissed (Dkt. 13);

WHEREAS, on January 31, 2022, Defendant filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6) (Dkts. 14–15);

WHEREAS, on February 22, 2022, pursuant to Fed. R. Civ. P. 15(a)(1)(B), Plaintiffs filed a First Amended Complaint alleging that Defendant violated Sections 15(b), 15(c), and 15(d) of BIPA (Dkt. 19);

WHEREAS, with the assistance of Hon. James F. Holderman (Ret.) of JAMS, the Parties have reached a settlement that, if finally approved, will fully and finally resolve all claims asserted in this action against Defendant; and

WHEREAS, as a result of potential jurisdictional uncertainty stemming from the U.S. Court of Appeals for the Seventh Circuit’s decision in *Thornley v. Clearview AI, Inc.*, 984 F.3d 1241 (7th Cir. 2021), the Parties seek to proceed with their settlement in the Circuit Court of DuPage County, Illinois;

NOW, THEREFORE, the Parties hereby stipulate to remand this matter to the Circuit Court of DuPage County, Illinois, with each party to bear its own costs and fees.

Dated: September 16, 2022

Respectfully submitted,

ANTHONY MCGOWAN; A.M., a  
Minor, by and through his Guardian  
ANTHONY MCGOWAN; and CARLOS  
PENA, individually and on behalf of a  
class of similarly situated individuals

VERIFF, INC.

By: /s/ Timothy P. Kingsbury  
*One of Plaintiffs’ Attorneys*

By: /s/ Debra R. Bernard  
*One of Defendant’s Attorneys*

Evan M. Meyers  
Eugene Y. Turin  
Timothy P. Kingsbury  
Colin P. Buscarini  
MCGUIRE LAW, P.C.  
55 W. Wacker Dr., 9th Fl.  
Chicago, IL 60601

Debra R. Bernard  
PERKINS COIE LLP  
110 N. Wacker Drive, Suite 3400  
Chicago, IL 60606  
Tel: (312) 324-8400  
dbernard@perkinscoie.com

emeyers@mcgpc.com  
eturin@mcgpc.com  
tkingsbury@mcgpc.com  
cbuscarini@mcgpc.com

*Counsel for Plaintiffs and the  
putative Class*

Susan D. Fahringer  
Nicola Menaldo  
PERKINS COIE LLP  
1201 Third Ave., Suite 4900  
Seattle, WA 98101  
Tel: (206) 359-8000  
sfahringer@perkinscoie.com  
nmenaldo@perkinscoie.com

*Counsel for Defendant*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Jorge L. Alonso  
U.S. District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that, on September 16, 2022, I caused the foregoing *Stipulation to Remand Action to the Circuit Court of DuPage County, Illinois* to be electronically filed with the Clerk of the Court using the CM/ECF system. A copy of said document will be electronically transmitted to all counsel of record.

/s/ Timothy P. Kingsbury